

judgment on all of its claims, including claims for duty of loyalty, tortious interference, fraud and misrepresentation, unjust enrichment, breach of contract, and good faith and fair dealing; and

it appearing on the face of the parties' submissions, as well as the September 8, 2006 Final Pre-Trial Order, that they dispute a significant number of material facts with respect to all of the claims at issue in this case, making the complaint unsuitable for summary judgment;

IT IS on this 26th day of February, 2007,

ORDERED that the Plaintiff's Motion for Summary Judgment is **DENIED**; and it is

ORDERED that, pursuant to the parties correspondence dated February 23, 2007 and February 26, 2007, the settlement conference scheduled for February 28, 2007 at 1:30 pm is **CANCELLED**; and it is

ORDERED that this case shall proceed forthwith to Court-annexed arbitration.

/s/ Faith S. Hochberg
Hon. Faith S. Hochberg, U.S.D.J.